

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

DOUGLAS PEARSON,)
Plaintiff,)
v.) No. 2:20-cv-00041-JPH-MJD
DR. DWENGER, et al.)
Defendants.)

Order Discussing Request to Proceed on Appeal *In Forma Pauperis*

The plaintiff seeks leave to proceed on appeal without prepayment of the appellate fees of \$505.00. "An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith." 28 U.S.C. § 1915(a)(3). "Good faith" within the meaning of § 1915 is judged by an objective, not a subjective, standard. *See Thomas v. Zatecky*, 712 F.3d 1004, 1006 (7th Cir. 2013) (stating that bad faith is a phrase that is understood to mean objective frivolousness). At this time, there is no objectively reasonable argument the plaintiff could present to argue that the disposition of this action was erroneous. In pursuing an appeal, therefore, the plaintiff "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). In addition, his appeal has already been dismissed by the Court of Appeals and the clerk has been directed to collect the appellate fees. Accordingly, his motions for leave to proceed on appeal *in forma pauperis*, dkts. [24] and [26], are **denied**.

SO ORDERED.

Date: 8/20/2020

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

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